

REMARKS

This Amendment is responsive to the official action dated December 20, 2005 finally rejecting claims 1-34, 47-52, 57, 58 and 60. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-61 were pending in the application. In the Official Action, claims 35-46, 53-56, 59 and 61 were withdrawn from consideration, and claims 1-34, 47-52, 57, 58 and 60 were rejected. In this Amendment, claims 1, 7, 13, 24, 47, 50, 57, 58 and 60 have been amended. Claims 1-34, 47-52, 57, 58 and 60 thus remain for consideration.

Applicant submits that claims 1-34, 47-52, 57, 58 and 60 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-5, 7-11, 13, 14, 16-25, 27-34, 47-52, 57, 58 and 60 were rejected under 35 U.S.C. §102(e) as being anticipated by Shur (U.S. Patent No. 6,330,672).

Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shur as applied to claims 1 and 7, and further in view of Saito (U.S. Patent No. 6,741,991) and Kubota et al. (U.S. Patent No. 5,721,778).

Claims 15 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shur as applied to claims 13 and 24, and further in view of Saito.

Applicant submits that independent claims 1, 7, 13, 24, 47, 50, 57, 58 and 60 are patentable over Shur, Saito and Kubota.

Each of claims 1, 7, 13, 24, 47, 50, 57, 58 and 60 recites that “[a] digital watermark is modulated according to an embedding modulation signal and the modulated digital watermark is embedded into [] content according to insertion information such that the digital watermark can be removed from the content by using the insertion information and the modulated digital watermark.” (emphasis supplied) Supporting disclosure for such recitation can be found in the specification at, for example, page 24, line 15 – page 32, line 1.

Neither Shur, Saito nor Kubota discloses modulating a digital watermark according to an embedding modulation signal and embedding the modulated digital watermark into content according to insertion information such that the digital watermark can be removed from the content by using the insertion

information and the modulated digital watermark. Accordingly, Applicant believes that claims 1, 7, 13, 24, 47, 50, 57, 58 and 60 are patentable over Shur, Saito and Kubota - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-6, 8-12, 14-23, 25-34, 48, 49, 51 and 52 are patentable over Shur, Saito and Kubota for at least the same reasons as discussed in connection with claims 1, 7, 13, 24, 47, 50, 57, 58 and 60.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is
gratefully acknowledged.

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Respectfully submitted,

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